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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,920	12/13/2000	Felix Henry	1807.1457	5186

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EXAMINER
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WU, JINGGE

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 01/20/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/734,920

Applicant(s)

HENRY, FELIX

Examiner

Jingge Wu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2623

**DETAILED ACTION**

Applicant's election without traverse of species III in paper No. 8 is acknowledged. Accordingly, Claims 1-33 are now presented for prosecution.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-5, 7-10, 12-15, 17-21, 23-24, 26-31 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6535644 to Kurapati.

As to claim 1, Kurapati discloses a method dividing a digital image includes the steps of:

determining an initial partition of the signal (fig. 3a, col. 4 lines 1-11);

displaying a representation of signal (image) and the previously determined signal partitioning (fig. 3a, col. 4 lines 1-11);

acquiring at least one partitioning modification parameter (fig. 3b-3f, col. 4 lines 12-col. 5 line 25, the parameter is the finer resolution which is block's H and L); and

modifying the partitioning the signal (fig. 3b-3f, col. 4 lines 12-col. 5 line 25).

As to claims 2-4, Kurapati further discloses partitioning the signal to blocks and the modification parameter is H and L of the block, which selected from a predetermined set partitions (fig. 3b-3f, col. 4 lines 12-col. 5 line 25).

As to claim 5, Kurapati further discloses wavelet encoding and decoding in respect to the partition (fig. 9, col. 9).

As to claim 7-8, 10, and 12-13, 14-15, 17-18, 21, 23-24, 26, 28 the claims are corresponding method and division device claims to claims 1-5. The discussions are addressed with regard to the claims 7-8, 10 and 12-13.

As to claim 9, Kurapati further discloses partition of signal is modified so that the partitioning areas (blocks) are smallest possible (finest resolution) in order to satisfying the predetermined criterion (fig. 3f, col. 4 lines 47-55)

As to claims 20, and 27, Kurapati further discloses microprocessor, ROM and RAM (fig. 7 and 9, col.7-col. 9, not that those element are inherent because Kurapati has to have a microprocessor to execute the algorithm of fig. 7 and has to store the program in Rom and modified data in RAM in order to display, encode, and decode.)

As to claims 29-31, the discussion are addressed with regard to claim 1-5 (inherency).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2623

Claims 6, 11, 16, 19, 22, 25, 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurapati.

Kurapati does not explicitly mention the limitations of translating the partitioning, emphasizing the distortion, avoiding the interest area between the partition area, and potable storage such as floppy disk and CD-ROM.

Examiner takes Official Notice that those features are notoriously well known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the features in the device of Kurapati in order to efficiently and accurately divide, encode, and decode the image.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5949911 to Chui et al., US 5712995 to Cohn, US 6404444 to Johnston et al. and US 6330653 to Murray et al. disclose methods for partitioning and displaying portioned image.

### **Contact Information**

Art Unit: 2623

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Primary Patent Examiner

